

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Graciana Manalo and) 07-CV-4557 (JMR/SRN)
Felipe Manalo)
)
 v.)
)
 Wyeth et al.)

Carol J. Hess) 07-CV-4567 (JMR/SRN)
)
 v.)
)
 Wyeth, Inc.)

ORDER

Defendants object to the Report and Recommendation, issued April 21, 2008, by the Honorable Susan R. Nelson, United States Magistrate Judge. The Magistrate recommended that the above-entitled related actions be stayed pending the outcome of the appellate proceedings in the Pennsylvania state courts. Defendants' objections to the Report were timely filed, pursuant to Local Rule 72.1(c)(2). Defendants' supplemental briefs, submitted in further support of their objections, were filed without leave of the Court. There is no provision in the Local Rules which permits such pleadings.

Based upon a de novo review of the record herein, the Court adopts the Magistrate's Report and Recommendation [07-CV-4557, Doc. No. 42 and 07-CV-4567, Doc. No. 25]. Accordingly, IT IS ORDERED that:

1. Defendants' motions to dismiss or stay [07-CV-4557, Doc. No. 9 and 07-CV-4567, Doc. No. 6] are granted in part and denied in part, as follows:

a. To the extent defendants seek a stay in the actions, defendants' motion are granted.

b. To the extent defendants seek dismissal of the actions, defendants' motions are denied.

2. The Manalo plaintiffs' motion to stay pending an MDL transfer [07-CV-4557, Doc. No. 24] is denied.

3. The actions are stayed pending the outcome of the appellate proceedings in the Pennsylvania state courts.

4. Defendants' supplemental briefs [07-CV-4557, Doc. No. 45 and 07-CV-4567, Doc. No. 31] are hereby stricken.

Dated: July 8th, 2008

s/ James M. Rosenbaum
JAMES M. ROSENBAUM
United States District Judge